

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

&

THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

LA.App..No. 1066 of 2007(B)

LAR.166/1996 of PRINCIPAL SUB COURT,KOLLAM

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APPELLANTS: ADDL.CLAIMANTS 4 TO 6 IN LAR:

1. SANAL KUMAR,
SHANMUGHA VILASOM, PEZHUMTHURATH, MANDROTHURUTH.
2. PRAVEEN KUMAR,
SHANMUGHA VILASOM, PEZHUMTHURATH, MANDROTHURUTH.
3. SREEKALA, PULIDHANAM,
CONDRAMKANI, MANDROTHURUTH, KOLLAM.

BY ADV. SRI.C.R.SIVAKUMAR

RESPONDENT: RESPONDENT:

THE STATE OF KERALA,
REPRESENTED BY THE LAND ACQUISITION OFFICER AND
SPECIAL TAHSILDAR (LA), RAILWAYS NO.1, KOLLAM.

BY GOVERNMENT PLEADER SRI K.V.MANOJKUMAR

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD
ON 16/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. No. 1066 of 2007 - B

Dated: October 16, 2007

JUDGMENT

Kurian Joseph, J.

This is an appeal filed against LAR No.166/1996 on the file of the Principal Sub Court, Kollam, at the instance of the claimants. It is seen from the judgment and decree that the reference was answered by confirming the land value fixed by the Land Acquisition Officer on the sole ground of non-representation of the parties. It is now settled view that once a reference is made to the court under sec.18 of the Land Acquisition Act, the Reference Court is bound to consider the matter on merits and render judgment regarding the proper fixation of the market value. The learned counsel for the appellants tendered apology for the inconvenience caused to the court and it is prayed that an opportunity may be given to them to adduce evidence atleast putting them on terms. Having regard to the apology tendered as above and in view of the settled position, we are of the view that a fresh opportunity should be given to the appellants to adduce fresh evidence with regard to the proper market value.

2. Accordingly, we set aside the judgment and decree in LAR No.166/1996 and remit the matter to the Reference Court on condition of payment of cost to the tune of Rs.2500/- to the District Legal Services Authority within a month from today. It is also made clear that in the event of the Reference Court granting any enhancement, the claimants shall not

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be entitled to interest at the rate of 15% for a period of 1216 days in view of the order in C.M.Appl. No.1229/2007. The reference shall be answered within a period of four months from the date of first appearance. The parties will appear before the Reference Court on 26.11.2007.

**KURIAN JOSEPH
JUDGE**

**HARUN-UL-RASHID
JUDGE.**

mt/-